

REMARKS

In the Final Office Action¹, the Examiner rejected claims 1 and 25 under 35 U.S.C. § 101; and rejected claims 1, 10, 11, and 25-29 under 35 U.S.C. § 103 as unpatentable over U.S. Patent No. 6,112,186 to Bergh et al. ("*Bergh*"), in view of U.S. Patent No. 5,907,836 to Sumita et al. ("*Sumita*"), in view of U.S. Patent No. 6,452,614 too King et al. ("*King*"), in view of U.S. Patent No. 5,987,440 to O'Neil et al. ("*O'Neil*"); and further in view of U.S. Patent App. No. 2005/0177716 to Ginter et al. ("*Ginter*")

Applicants have amended claims 1, 10, and 11. Claims 1, 10, 11, and 25-29 remain pending. Support for the amendments may be found in Applicants' specification at least at page 75, line 19 - page 76, line 16.

I. Rejection of claims 1 and 25 under 35 U.S.C. §101

Applicants respectfully traverse the rejection of claims 1 and 25 under 35 U.S.C. § 101. Nonetheless, Applicants have amended independent claim 1 to recite a "computer-implemented method for delivery of reporting personalized product/service rating information, the computer including a processor and memory and the method comprising steps performed by the computer of." Applicants have also amended claim 1 to include the "processor" in each step of the method as indicated above.

As set forth in In re Bilski, "a claimed process is surely patent-eligible under § 101 if: (1) it is tied to a particular machine or apparatus, or (2) it transforms a particular article into a different state or thing." In re Bilski, 545 F.3d 943, at 954 (Fed. Cir.

¹ The Final Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Final Office Action.

2008)(en banc). Because the claims are tied to machines (i.e., computer), Applicants submit that the claims recite statutory subject matter.

Claim 25 depends from independent claim 1 and, accordingly, meets the requirements of 35 U.S.C. § 101 at least due to its dependence. For at least the above reasons, claims 1 and 25 meet the requirements of 35 U.S.C. § 101. Accordingly, Applicants request the Examiner to reconsider and withdraw the rejection of the claims under 35 U.S.C. § 101.

II. Rejection of claims 1, 10, 11, and 25-29 under 35 U.S.C. § 103

Applicants respectfully traverse the rejection under 35 U.S.C. § 103(a). A *prima facie* case of obviousness has not been established.

The key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. See M.P.E.P. § 2142, 8th Ed., Rev. 6 (Sept. 2007). Such an analysis should be made explicit and cannot be premised upon mere conclusory statements. See *id.* “A conclusion of obviousness requires that the reference(s) relied upon be enabling in that it put the public in possession of the claimed invention.” M.P.E.P. § 2145. Furthermore, “[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art” at the time the invention was made. M.P.E.P. § 2143.01(III), internal citation omitted. Moreover, “[i]n determining the differences between the prior art and the claims, the question under 35 U.S.C. § 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious.” M.P.E.P. § 2141.02(I), internal citations omitted (emphasis

in original). In this application, a *prima facie* case of obviousness has not been established because the Examiner has not clearly articulated a reason why one of ordinary skill would find the claimed combination obvious in view of the cited references.

Claim 1 recites a method including, for example:

providing, by the processor, a database that stores a plurality of user records corresponding to a plurality of users,

....

wherein each user profile comprises a set of personal information data, the personal information data including direct user inputs, information based on use of the product/service rating information, a profile field, and a profile restriction, wherein the profile field contains detailed personal information of a user associated with the user profile and the profile restriction contains rules in the form of a pattern to restrict the rules to certain uses,

wherein each of the user profiles for each user record is grouped into the user personas, each being related to a unique, useful context such that at least one of the user profiles is grouped in at least two user personas wherein a first subset of users from the plurality of users have each submitted product/service rating data for at least one product or service, and

...

filtering, by the processor, the first set of user profiles to create a second set of user profiles, wherein the second set of user profiles includes a number of user profiles equal to a first threshold variable n having a value indicating the number of user profiles contained within the second set of user profiles;

determining, by the processor, whether the second set of user profiles differs from the requesting user's profile by more than a second threshold variable y having a value indicating the distance between the second set of user profiles and the requesting user's profile;

if the second set of user profiles differs from the requesting user's profile by more than the second threshold variable y , repeating the filtering and determining steps at relaxed values of the first and second threshold variables n and y to obtain an updated second set of user profiles

...

(Emphasis added). *Bergh* does not teach or suggest at least these features of claim 1.

Bergh discloses a system that “collects a number of subjective ratings given to items by users” (col. 2, lines 9-10). The Examiner correctly states that *Bergh* “does not explicitly disclose wherein each user profile comprises at least one unique user persona having a set of personal information and wherein the personal information includes a profile field and a profile restriction such that the profile field contains detailed personal information and the profile restriction contains rules in the form of a pattern to restrict the rules to certain uses” (Final Office Action at page 18).

However, the Examiner states that col. 3, lines 25-45 of *Bergh* discloses different profiles have different rules and restrictions (Final Office Action at page 20). According to this passage of *Bergh*, at least one profile may be created for each user. A first profile may indicate that the user avoids seafood restaurants on Fridays, and additional profiles may indicate “user’s restaurant preferences from Saturday through Thursday” and “user’s restaurant preferences on Friday.”

While *Bergh* discloses user profiles, *Bergh* does not teach or suggest a user profile that comprises 1) “a set of personal information data, the personal information data including direct user inputs,” 2) “information based on use of the product/service rating information,” 3) “a profile field,” and 4) “and a profile restriction, wherein the profile field contains detailed personal information of a user associated with the user profile and the profile restriction contains rules in the form of a pattern to restrict the rules to certain uses,” as recited in claim 1. Moreover, *Bergh* also does not teach or suggest the claimed “at least one of the user profiles is grouped in at least two user personas

wherein a first subset of users from the plurality of users have each submitted product/service rating data for at least one product or service,” as recited in claim 1.

Sumita does not cure the deficiencies of *Bergh*. *Sumita* discloses a filtering apparatus (col. 2, lines 36-67). However, *Sumita* does not teach or suggest a user profile that comprises 1) “a set of personal information data, the personal information data including direct user inputs,” 2) “information based on use of the product/service rating information,” 3) “a profile field,” and 4) “and a profile restriction, wherein the profile field contains detailed personal information of a user associated with the user profile and the profile restriction contains rules in the form of a pattern to restrict the rules to certain uses,” as recited in claim 1. Moreover, *Sumita* also does not teach or suggest the claimed “at least one of the user profiles is grouped in at least two user personas wherein a first subset of users from the plurality of users have each submitted product/service rating data for at least one product or service,” as recited in claim 1.

King does not cure the deficiencies of *Bergh* and *Sumita*. *King* discloses a user interface “organized using different personae” (col. 2, lines 4-5). According to *King*, a user “can move from the master persona to alternate persona” (col. 4, lines 10-11). As depicted in Fig. 1 of *King*, master persona contains numerous folders 33-39 and information directory 31. Information directory 31 “contains contact information stored by the user” including telephone numbers and electronic mail addresses (col. 3, line 48 - col. 4, line 2).

If the user selects an alternate persona (i.e. “house buyer” and “Father of Fritz”), the folders and information directory associated with the alternate persona may be displayed (See Figs. 2 and 3 of *King*). Some of the contact information located in

information directory 31 may be displayed for more than one persona. For example, contact "wife" is listed in the information directory 31 of "master persona," "house buyer," and "Father of Fritz" (See Figs. 1-3 of *King*).

The Examiner states, "Wife item is shared between House Buyer persona and the Father of Fritz Persona. Hence, in *King* each profile item can be unique to a Persona or it can be shared between Personas" (Final Office Action at page 22). Based on this interpretation of *King*, the Examiner appears to assert that the "wife" contact that is listed in the information directory 31 of "master persona," "house buyer," and "Father of Fritz" corresponds to the claimed "at least one of the user profiles [that] is grouped in at least two user personas wherein a first subset of users from the plurality of users have each submitted product/service rating data for at least one product or service," as recited in claim 1. Applicants respectfully disagree.

Even assuming that the "wife" contact "is grouped in at least two user personas," which Applicants do not concede, the "wife" contact does not teach or suggest the claimed "user profile." According to claim 1, the user profile comprises 1) "a set of personal information data, the personal information data including direct user inputs," 2) "information based on use of the product/service rating information," 3) "a profile field," and 4) "and a profile restriction, wherein the profile field contains detailed personal information of a user associated with the user profile and the profile restriction contains rules in the form of a pattern to restrict the rules to certain uses."

In contrast, the "wife" contact in *King* only contains "a voice telephone number" (col. 4, lines 1-2). The "wife" contact does not include 1) "a set of personal information data, the personal information data including direct user inputs," 2) "information based

on use of the product/service rating information,” 3) “a profile field,” and 4) “and a profile restriction, wherein the profile field contains detailed personal information of a user associated with the user profile and the profile restriction contains rules in the form of a pattern to restrict the rules to certain uses,” as recited in claim 1. A telephone number does not teach or suggest the four elements required in the claimed “user profile.”

Accordingly, *King* does not teach or suggest a user profile that comprises 1) “a set of personal information data, the personal information data including direct user inputs,” 2) “information based on use of the product/service rating information,” 3) “a profile field,” and 4) “and a profile restriction, wherein the profile field contains detailed personal information of a user associated with the user profile and the profile restriction contains rules in the form of a pattern to restrict the rules to certain uses” in combination with “at least one of the user profiles is grouped in at least two user personas wherein a first subset of users from the plurality of users have each submitted product/service rating data for at least one product or service,” as recited in claim 1.

O’Neil does not cure the deficiencies of *Bergh*, *Sumita*, and *King*. *O’Neil* discloses “a system for allowing an individual or entity to protect, command, control, and process personal information on a computer network” (col. 2, lines 6-8). The Examiner cites Figs. 28-33 of *O’Neil* to allegedly disclose “different users with different personas and rules associated with profile items/assets” (Office Action at page 23). Even assuming that this assertion is correct, which Applicants do not concede, *O’Neil* does not teach or suggest a user profile that comprises 1) “a set of personal information data, the personal information data including direct user inputs,” 2) “information based on use of the product/service rating information,” 3) “a profile field,” and 4) “and a profile

restriction, wherein the profile field contains detailed personal information of a user associated with the user profile and the profile restriction contains rules in the form of a pattern to restrict the rules to certain uses” in combination with “at least one of the user profiles is grouped in at least two user personas wherein a first subset of users from the plurality of users have each submitted product/service rating data for at least one product or service,” as recited in claim 1.

Ginter does not cure the deficiencies of *Bergh*, *Sumita*, *King*, and *O’Neil*. *Ginter* discloses a system for secure transaction management and electronic rights protection (Abstract). The Examiner states that different permissions, rules, constraints, or restrictions “can be applied to individual content/data/objects/containers” and “rules and permissions can be related to user profile information” (Final Office Action at pages 27-28).

Even assuming this is correct, which Applicants do not concede, the mere teaching of applying rules and permissions to objects and/or user profiles does not cure the deficiencies of *Bergh*, *Sumita*, *King*, and *O’Neil*. The generic disclosure of rules, permissions, constraints, or restrictions does not teach or even suggest the claimed user profile that comprises 1) “a set of personal information data, the personal information data including direct user inputs,” 2) “information based on use of the product/service rating information,” 3) “a profile field,” and 4) “and a profile restriction, wherein the profile field contains detailed personal information of a user associated with the user profile and the profile restriction contains rules in the form of a pattern to restrict the rules to certain uses,” as recited in claim 1.

In addition to the above deficiencies, the combination of references also does not teach or suggest the claimed “mapping . . . filtering, by the processor, the first set of user profiles to create a second set of user profiles, wherein the second set of user profiles includes a number of user profiles equal to a first threshold variable n having a value indicating the number of user profiles contained within the second set of user profiles . . . [and] determining , by the processor, whether the second set of user profiles differs from the requesting user's profile by more than a second threshold variable y having a value indicating the distance between the second set of user profiles and the requesting user's profile,” in combination with “if the second set of user profiles differs from the requesting user's profile by more than the second threshold variable y , repeating, by the processor, the filtering and determining steps at relaxed values of the first and second threshold variables n and y to obtain an updated second set of user profiles,” as further recited in claim 1.

The Examiner cites col. 10, lines 34-43 of *Bergh* to disclose a threshold value (Final Office Action at page 7). According to this passage of *Bergh*, a predetermined threshold value L may be “set to any value which improves the predictive capability of the method.” Neighboring users “can be selected based on having both a threshold value less than L and a confidence factor higher than a second predetermined threshold.”

Applicants submit that the predetermined threshold value in *Bergh* does not teach or suggest the step of filtering “the first set of user profiles to create a second set of user profiles, wherein the second set of user profiles includes a number of user profiles equal to a first threshold variable n having a value indicating the number of user

profiles contained within the second set of user profiles,” determining “whether the second set of user profiles differs from the requesting user's profile by more than a second threshold variable y having a value indicating the distance between the second set of user profiles and the requesting user's profile,” and “if the second set of user profiles differs from the requesting user's profile by more than the second threshold variable y , repeating, by the processor, the filtering and determining steps at relaxed values of the first and second threshold variables n and y to obtain an updated second set of user profiles,” as recited in claim 1.

The Examiner also cites *Sumita* to allegedly disclose “automatically repeating filtering steps to attain a level of accuracy in the similarity set” (Final Office Action at page 8). Even assuming this assertion is correct, which Applicants do not concede, *Sumita* does not teach or suggest the step of filtering “the first set of user profiles to create a second set of user profiles, wherein the second set of user profiles includes a number of user profiles equal to a first threshold variable n having a value indicating the number of user profiles contained within the second set of user profiles,” determining “whether the second set of user profiles differs from the requesting user's profile by more than a second threshold variable y having a value indicating the distance between the second set of user profiles and the requesting user's profile,” and “if the second set of user profiles differs from the requesting user's profile by more than the second threshold variable y , repeating, by the processor, the filtering and determining steps at relaxed values of the first and second threshold variables n and y to obtain an updated second set of user profiles,” as recited in claim 1.

According to *Sumita*, “various retrieving conditions or the threshold of the similarities are dynamically changed whenever the retrieval is performed or in accordance with results of plural and successive retrievals” (col. 5, lines 63-66). The conditions and threshold may be “allowed to automatically follow the change in the contents of the article which is being supplied” (col. 6, lines 1-2). *Sumita* also states, “[t]he threshold of the similarity is changed in accordance with the result of the retrieval or a new threshold calculated in accordance with the result of the retrieval and the ground of the calculation are presented to the user to urge the user to change the threshold” (col. 56, lines 3-7).

While *Sumita* discloses a user that may change a threshold, *Sumita* does not teach or suggest the step of filtering “the first set of user profiles to create a second set of user profiles, wherein the second set of user profiles includes a number of user profiles equal to a first threshold variable n having a value indicating the number of user profiles contained within the second set of user profiles,” determining “whether the second set of user profiles differs from the requesting user's profile by more than a second threshold variable y having a value indicating the distance between the second set of user profiles and the requesting user's profile,” and “if the second set of user profiles differs from the requesting user's profile by more than the second threshold variable y , repeating, by the processor, the filtering and determining steps at relaxed values of the first and second threshold variables n and y to obtain an updated second set of user profiles,” as recited in claim 1.

King, *O'Neil*, and *Ginter* do not cure the above-mentioned deficiencies of *Bergh* and *Sumita*. Specifically, *King*, *O'Neil*, and *Ginter* also fail to teach or suggest the step

of filtering “the first set of user profiles to create a second set of user profiles, wherein the second set of user profiles includes a number of user profiles equal to a first threshold variable n having a value indicating the number of user profiles contained within the second set of user profiles,” determining “whether the second set of user profiles differs from the requesting user's profile by more than a second threshold variable y having a value indicating the distance between the second set of user profiles and the requesting user's profile,” and “if the second set of user profiles differs from the requesting user's profile by more than the second threshold variable y , repeating, by the processor, the filtering and determining steps at relaxed values of the first and second threshold variables n and y to obtain an updated second set of user profiles,” as recited in claim 1.

As outlined above, the Examiner has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and the claimed invention. Therefore, no reason has been clearly articulated as to why the claim would have been obvious to one of ordinary skill in view of the prior art and a *prima facie* case of obviousness has not been established.

Claim 1 is thus allowable. Claim 25 depends from claim 1 and is thus also allowable for at least the same reasons as claim 1.

Independent claims 10 and 11, though of different scope from claim 1, recite elements similar to those set forth above with respect to claim 1. Claims 10 and 11 are therefore allowable for at least the reasons presented above. Dependent claims 26-29 are also allowable at least due to their dependence from claims 10 and 11.

III. Conclusion

In view of the foregoing, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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